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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,942	06/01/2001	Shinya Yamadera	Q63294	3441
7590	06/06/2006		EXAMINER	
Sughrue Mion Zinn Macpeak & Seas 2100 Pennsylvania Avenue NW Washington, DC 20037-3213			JEANTY, ROMAIN	
		ART UNIT	PAPER NUMBER	
			3623	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/763,942	YAMADERA ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 January 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 14-21 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to the communication received March 7, 2006. In the communication claims 14-21 were elected without traverse... Claims 14-21 are pending in the application.

### **Specification**

2. The specification is objected because it is in faulty English. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, the limitation of "conformity standard" is not supported by the specification. The examiner is unable to find

where such limitation is disclosed in the specification. Therefore, one skilled in the art would not know how to make and/or use the invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitations “selecting a managing method of the work to be managed from a plurality.....”. However, it is unclear how the selecting a managing of the work is being performed.

Claims 15-21 depend from claim 14; therefore claims 15-21 are rejected under 35 USC. 112, second rejection.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leisten et al “Leisten” (U.S. Patent No. 6,023,702) in view of Technical Advisory (Specification Conformity Analysis)

As per claim 14, as best understood, Leisten discloses a project management system for managing work. In so doing, Leisten discloses selecting a managing method of the work to be managed from among a plurality of managing methods (col. 13, lines 34-37), breaking down the work into a plurality of activities (col. 18, lines 34-46), monitoring a quality of performance for each of the activities (col. 23, lines 24-36). Leisten discloses all of the limitations above but Leisten fails to explicitly disclose determining a conformity standard for the work to be managed. Technical Advisory in the same field of endeavor discloses the concept of conformity standard for a project/work. Note Pages 2 and 3 of Technical Advisory. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Leisten to include the concept of conformity standard for a project/work as evidenced by Technical Advisory in order to provide an indication of construction quality on a national basis.

As per claim 15, Leisten further discloses the process for work management according to claim 14, further comprising displaying **at least one of:** a work progress (col. 19, lines 51-54).

As per claim 16, Leisten further discloses the process for work management according to claim 14, wherein the quality of performance for the activities is recorded (col. 16, lines 5-9).

As per claim 17, Leisten further discloses the process for work management according to claim 14, wherein the process is deployed over a network (col. 2, lines 45-50).

As per claim 18, Leisten and Technical Advisory do not explicitly disclose wherein the process is performed by software operable to display data tables in a Web server. However, displaying data tables in a Web server is well known in the art. Incorporating this feature into Leisten and Technical Advisory would have been obvious to a person of ordinary skill in the art in order make the data more accessible.

As per claim 19, Leisten further discloses the process for work management according to claim 14, wherein the process is deployed over at least one of an Internet “network” (col. 2, lines 45-50).

As per claim 21, the concept of controlling access to information is old and well known in the art for controlling unauthorized access to the information. Utilizing this feature into Leisten and Technical Advisory would have been obvious to a person of ordinary skill in the art in order to prevent unauthorized users from accessing the information.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leisten et al Leisten et al “Leisten” (U.S. Patent No. 6,023,702) in view of Technical Advisory (Specification Conformity Analysis) as applied to claim 14 above and further in view of Haq (U.S. Patent No. 6,275,812).

As per claim 20, Leisten and Technical Advisory do not explicitly disclose determining and at least one of recording and displaying information on an in-house man day and a subcontract man day. Haq in the same field of endeavor discloses the concept of utilizing resource for a project. Note col. 8, lines 60-64 of Haq. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Leisten and Technical Advisory to include an in-house man day in order to evaluate of resource utilization.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lungren et al (U.S. Patent No. 6,092,050) discloses for analyzing and using data in the management of projects including a graphical user interface.

b. Thackston ( U.S. Patent No. 6,928,396) discloses a network-based system interfacing multiple user systems which interface through a central server to undertake the design development effort. A baseline design is created and maintained in a neutral or common format by the central server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 29, 2006



Romain Jeanty  
Primary Examiner  
Art Unit 3623